

COMMONWEALTH OF MASSACHUSETTS
SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT

PLYMOUTH, ss.

CIVIL ACTION NO. 2183CV00548

JOSE CARLOS MENDES BRITO,

Plaintiff,

v.

FORENTA L.P.,

Defendant.

DEFENDANT'S NOTICE OF REMOVAL PURUSANT TO 28 U.S.C § 1441

The Defendant, Forenta L.P (“Forenta”), files this Notice of Removal to the United States District Court for the District of Massachusetts from Plymouth Superior Court, Plymouth County, Trial Court of the Commonwealth of Massachusetts and states the following in support of this Notice of Removal:

1. The Plaintiff, Jose Carlos Mendes Brito (“Plaintiff”) is an individual who resides in New Bedford, Bristol County, Massachusetts.
2. The Plaintiff filed a civil action against Forenta in Plymouth Superior Court, Plymouth County, Trial Court of the Commonwealth of Massachusetts, Civil Action No. 2183CV00548, entitled *Jose Carlos Mendes Brito v. Forenta L.P* (the “Action”). On or about November 23, 2021, Forenta received a copy of the Summons and Complaint.
3. This Notice of Removal is filed in the United States District Court for the District of Massachusetts within the time allowed by law for removal of civil actions.
4. The Documents attached hereto as **Exhibit A** constitute all the process and pleadings served upon Forenta to date.

5. This Action is removal to this Court pursuant to 28 U.S.C § 1441(b), because the plaintiff is domiciled in Massachusetts and Forenta is a Delaware corporation with a principal place of business in Tennessee. As such, complete diversity of citizenship exists.

6. The Plaintiff claims substantial injuries and extensive treatment for third degree burn injuries to his arm and hand. Plaintiff's Civil Action Cover Sheet identifies damages totaling \$783,028.58. As such, the amount in controversy satisfies the statutory threshold of jurisdiction of the Federal District Court.

7. This Notice of Removal is being filed within thirty (30) days of receipt of the Summons and Complaint in accordance with 28 U.S.C. § 1446(b).

8. A notice of the filing of this Notice of Removal and a true copy of this Notice of Removal will be filed with the Clerk of Plymouth County Superior Court, Trial Court of the Commonwealth of Massachusetts, as required by 28 U.S.C. § 1446(d).

9. Pursuant to Local Rule 81.1(A), Forenta shall request of the Clerk of the Plymouth Superior Court, Plymouth County, Trial Commonwealth of Massachusetts, certified or attested copies of all records and proceedings in the state court and certified or attested to copies of all docket entries therein and shall file the same with this Court within thirty (30) days after filing of this Notice of Removal.

WHEREFORE, the Defendant prays that said action, now pending in Plymouth Superior Court, Plymouth County, Trial Court of the Commonwealth of Massachusetts be removed therefrom to the United States District Court for the District of Massachusetts.

Defendant,
Forenta L.P.

By Its Attorneys,

/s/ Sean McDonough

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CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of December, 2021, I caused a true and correct copy of the Notice of Taking Deposition to be served via first class mail on the following counsel of record:

Scott W. Lang, Esq.
Lang, Xifars & Bullard
113 Orchard Street
New Bedford, MA 02740

/s/ Sean F. McDonough

Sean F. McDonough